

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

ANTONIO RIVERA, JR., ) CIVIL NO. 10-00402 DAE-KSC  
                        )  
Plaintiff,           ) FINDINGS AND  
                        ) RECOMMENDATION TO GRANT  
vs.                   ) PLAINTIFF'S MOTION TO  
                        ) DISMISS SECOND AMENDED  
                        ) COMPLAINT  
GMAC Mortgage LLC, )  
                        )  
Defendant.           ) )  
                        )  
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)

FINDINGS AND RECOMMENDATION TO GRANT PLAINTIFF'S MOTION  
TO DISMISS SECOND AMENDED COMPLAINT

On July 14, 2011, Plaintiff Antonio Rivera, Jr. ("Plaintiff"), proceeding *pro se*, filed a document entitled "Motion to Dismiss Second Amended Complaint Application for Temporary Restraining Order, Temporary Injunction, Permanent Injunction for Failure to Join Indispensable Party(s) and Improper Venue." Plaintiff requests that the Court dismiss his action. At the July 14, 2011 Order to Show Cause hearing, the Court queried Plaintiff about whether he indeed sought to dismiss his lawsuit, and he responded in the affirmative. The parties agreed to dismiss with prejudice.

For these reasons, and pursuant to Federal Rule of Civil Procedure ("FRCP") 41(a)(2), the Court HEREBY RECOMMENDS that the district court GRANT Plaintiff's Motion to Dismiss, and that this action be DISMISSED WITH PREJUDICE, the parties to bear their own fees and costs.

IT IS SO FOUND AND RECOMMENDED.

Dated: Honolulu, Hawaii, July 14, 2011.



  
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Kevin S.C. Chang  
United States Magistrate Judge

CV 10-00402 DAE-KSC; RIVERA V. GMAC MORTGAGE, LLC; FINDINGS AND RECOMMENDATION TO GRANT PLAINTIFF'S MOTION TO DISMISS SECOND AMENDED COMPLAINT